

**IN THE ARBITRATION TRIBUNALS OF THE
AMERICAN ARBITRATION ASSOCIATION**

In the matter of arbitration between)
MATT LINDLAND) 30 190 00443 00
AND)
USA WRESTLING)

I, Daniel T. Burns, the Arbitrator, having been designated in accordance with the arbitration agreement between the above named parties, and having been duly sworn, have conducted preliminary and evidentiary hearings in this matter. I have duly heard, read, and fully considered the allegations, arguments, evidence, exhibits and proofs of the parties, and hereby FIND and AWARD as follows;

FINDINGS OF FACT

1. That on June 24, 2000, in Dallas Texas, in bout #244 of the Greco-Roman Olympic Trials, Matt Lindland "Lindland" and Keith Sieracki "Sieracki" wrestled for the final placement at 76kg, 167.5lbs on the Olympic Team.
2. The bout was awarded to Sieracki;
3. Lindland protested the decision in accord with the US Wrestling Protest Procedures and the 2000 Olympic Trials Procedures. His protest was accepted for review.
4. The Protest Committee refused Lindland's protest on June 24th. The grounds were that Lindland was protesting judgment decisions of the match officiating teams concerning rules and scoring, and that pursuant to FILA and USA Wrestling Rules mat officials' judgment calls are not subject to review. Lindland appealed to the Greco-Roman Sports Committee, "Committee";
5. The Greco-Roman Sports Committee held a recorded telephonic hearing on Lindland's appeal on July 13, 2000. In the hearing Lindland argued that under FILA and USA Wrestling rules he was the victim of rule violations. Lindland


argued that the mat officials had misapplied, not simply misinterpreted the rules relating to fleeing the hold and the mat, and illegal use of the legs. Lindland also argued that the videotape of the match should be reviewed in the appeal process, and the provisions in USA Wrestling Rules proscribing videotape review denied him an equitable appeal process. In a July 19 written decision the Committee dismissed Lindland's appeal by a vote of 4-1. The Committee affirmed the Protest Committee's conclusion, that the rule applications and scoring Lindland sought to invoke were calls within the judgment and discretion of the match officials.

6. That of the 9 members of the Committee, 4 were recused from the July 13 hearing solely upon the initiative of USA Wrestling, and not allowed to hear, deliberate, or vote on Lindland's appeal.
7. That during the July 13 Committee hearing, the Committee restricted a key witness, Coach Dan Chandler, to providing factual testimony only, despite the obvious expert status of this witness.
8. Exclusion of Committee members was the decision of USA Wrestling executives and directors. The reason given was conflicts of interest. They did not consult with Lindland and/or his attorney. Similarly, the restriction of Chandler's testimony at the hearing was done on the initiative of Sieracki representatives and other participants, without the consent of Lindland or his attorneys. The effect was exclusion from participation of Committee members who had been designated Committee members prior to the June 24 trials, and exclusion of crucial evidence.
9. That USA Wrestling has not provided any written rules, regulations, by-laws, or precedential authority justifying its actions and decisions regarding: 1) the determination of the number and identities of the Greco-Roman Sports Committee when hearing appeals such as Lindland's; 2) grounds for excluding sitting Committee members from participating and deliberating in appeals such as Lindland's; 3) limitations on the nature and extent of the testimony of witnesses; 4) who is permitted to appear and participate in the hearing;
10. Lindland then sought arbitration of his claim. In the July 27 Preliminary Hearing, the parties agreed to the jurisdiction of the AAA and this Arbitrator.

CONCLUSION AND AWARD

1. Based on the Findings, the Greco-Roman Sports Committee decision of July 19, 2000 is vacated. The Committee hearing on July 13, however well intentioned the organizers and participants may have been, unfairly and unreasonably failed to provide a procedure for the equitable resolution of Lindland's grievance. The Greco-Roman Sports Committee failed in several significant respects to afford Lindland the prompt and equitable process called for in Section 22052(13) of the Ted Stevens Olympic and Amateur Sports Act.
2. Changed situations of Committee participants, the question of the President of USA will attend and vote, the exigencies of the present circumstances of final team selection, the fact that a crucial witness's testimony was chilled at the first hearing, the potential atmosphere of a reconvened full Committee, and the very lack of guidance in USA Wrestling by-laws and rules, when grouped together, are convincing that Lindland cannot be put back to the same position he was on July 12th, and cannot receive the prompt and equitable resolution of his grievance that he has been promised. For example, one excluded member of the Committee was a fellow wrestler with a grievance *pending* at that time. That grievance has now been finally resolved. Another mistake made in fashioning the July 13 Committee, was the erroneous belief that some members of the Greco-Roman Sports Committee had also *voted* on that Protest Committee, and they were excluded for that reason. In fact, only one member had actually *voted* at the Protest Committee and that was the president of the USA Wrestling, who testified he was an *ad hoc* member of the Committee and may have attended one Committee meeting over the past several years. As significant is the lack of guidance and advance notice on these issues to Lindland, and Committee members, as he attempted to process his protest. Unfortunately, the same lack of guidance defeats any attempt to reconvene the Committee and provide a clean slate to press his claim in the short time before final team selection.
3. Bout #244 of the June 24, 2000 Olympic Trials will be re-wrestled in accord with the USA Wrestling rules and officiating in effect at that time. The re-wrestle shall take place prior to Noon on Monday, August 14, 2000.
4. The fees and expenses of the American Arbitration Association shall be borne equally by the parties upon presentment by the Association.
5. The fees and expenses of the Arbitrator totaling \$4,750 shall be borne equally by the parties, that is, each party shall pay \$2,375.
6. Each party shall bear their own costs, expenses and attorneys fees in completing this Arbitration.

7. This Award is in full and final adjudication of all matters raised in this Arbitration. Any relief, rulings, arguments, or allegation not specifically granted in this Award, are DENIED.



Daniel T. Burns, Arbitrator

August 9, 2000